

**GOLF CARTS ALLOWED ON CERTAIN  
HIGHWAYS**

2004 GENERAL SESSION  
STATE OF UTAH

**Sponsor: Carol Spackman Moss**

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by allowing golf carts on certain highways.

**Highlighted Provisions:**

This bill:

- ▶ defines "golf cart";
- ▶ allows a municipality or county to allow golf carts on specified highways under its jurisdiction during daylight hours;
- ▶ prohibits the use of a golf cart on a highway with a posted speed limit of more than 25 miles per hour;
- ▶ provides that a golf cart, when used on a highway, is considered a motor vehicle for purposes of traffic rules, driver licensing, insurance, registration, titling, and taxation;
- ▶ requires a golf cart used on the highway to be equipped with stop lamps and brakes;
- ▶ exempts golf carts used on the highway from safety and emissions inspections, vehicle identification numbers, and odometer requirements;
- ▶ provides a penalty; and
- ▶ make technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**



None

**Utah Code Sections Affected:**

AMENDS:

**41-6-1**, as last amended by Chapters 34 and 165, Laws of Utah 2002

ENACTS:

**41-6-117.7**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **41-6-1** is amended to read:

**41-6-1. Definitions.**

As used in this chapter:

(1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

(2) "All-terrain type I vehicle" is used as defined in Section 41-22-2.

(3) "Authorized emergency vehicle" means fire department vehicles, police vehicles, ambulances, and other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

(4) "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels, except scooters and similar devices.

(5) "Bus" means every motor vehicle designed for carrying more than 15 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(6) "Controlled-access highway" means every highway, street, or roadway to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the public authority having jurisdiction over the highway, street, or roadway.

(7) "Crosswalk" means:

(a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of

the lateral lines of the existing sidewalk at right angles to the centerline; or

(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(8) "Department" means the Department of Public Safety.

(9) "Divided highway" means a highway divided into two or more roadways by unpaved intervening space or by a physical barrier or by a clearly indicated dividing section constructed to impede vehicular traffic.

(10) "Electric assisted bicycle" means a moped with an electric motor with a power output of not more than 1,000 watts, which is not capable of propelling the device at a speed of more than 20 miles per hour on level ground, and which is not capable of increasing the speed of the device when human power is used to propel the device at more than 20 miles per hour.

(11) "Explosives" means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

(12) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

(13) "Flammable liquid" means any liquid which has a flashpoint of 100 degrees F. or less, as determined by a tabliabue or equivalent closed-cup test device.

(14) (a) "Golf cart" means a motor vehicle that:

(i) is designed for transportation by players on a golf course;

(ii) has not less than three wheels in contact with the ground;

(iii) has an unladen weight of less than 1,800 pounds;

(iv) is designed to operate at a speed of not more than 25 miles per hour; and

(v) is designed to carry not more than four persons including the driver.

(b) "Golf cart" does not include a low-speed vehicle or an off-highway vehicle.

~~(14)~~ (15) "Gross weight" means the weight of a vehicle without load plus the weight of any load on the vehicle.

90           ~~[(15)]~~ (16) "Highway" means the entire width between property lines of every way or  
91 place of any nature when any part of it is open to the use of the public as a matter of right for  
92 vehicular travel.

93           ~~[(16)]~~ (17) "Intersection" means the area embraced within the prolongation or  
94 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways  
95 of two or more highways which join one another.

96           (a) Where a highway includes two roadways 30 feet or more apart, every crossing of  
97 each roadway of the divided highway by an intersecting highway is a separate intersection; if  
98 the intersecting highway also includes two roadways 30 feet or more apart, then every crossing  
99 of two roadways of the highways is a separate intersection.

100           (b) The junction of an alley with a street or highway is not an intersection.

101           ~~[(17)]~~ (18) "Local authorities" means every county, municipal, and other local board or  
102 body having authority to enact laws relating to traffic under the constitution and laws of the  
103 state.

104           ~~[(18)]~~ (19) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle  
105 designed to be operated at speeds of not more than 25 miles per hour and that has a capacity of  
106 not more than four passengers, including the driver.

107           (b) "Low-speed vehicle" does not include a golf cart or an off-highway vehicle.

108           ~~[(19)]~~ (20) "Metal tire" means a tire, the surface of which in contact with the highway  
109 is wholly or partly of metal or other hard nonresilient material.

110           ~~[(20)]~~ (21) "Mobile home" means:

111           (a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling  
112 place, living abode, or sleeping place either permanently or temporarily, and is equipped for  
113 use as a conveyance on streets and highways; or

114           (b) a trailer or a semitrailer whose chassis and exterior shell is designed and  
115 constructed for use as a mobile home, as defined in Subsection ~~[(20)]~~ (21)(a), but which is  
116 instead used permanently or temporarily for the advertising, sales, display, or promotion of  
117 merchandise or services, or for any other commercial purpose except the transportation of  
118 property for hire or the transportation of property for distribution by a private carrier.

119           ~~[(21)]~~ (22) "Moped" means a motor-driven cycle having both pedals to permit  
120 propulsion by human power, and a motor which produces not more than two brake horsepower

and which is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. A moped includes an electric assisted bicycle and a motor assisted scooter.

~~[(22)]~~ (23) "Motor assisted scooter" means a self-propelled device with at least two wheels in contact with the ground, a braking system capable of stopping the unit under typical operating conditions, a gas or electric motor not exceeding 40 cubic centimeters, a deck design for a person to stand while operating the device, and the ability to be propelled by human power alone.

~~[(23)]~~ (24) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

~~[(24)]~~ (25) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.

~~[(25)]~~ (26) "Motor-driven cycle" means every motorcycle and motor scooter, personal motorized mobility device, moped, electric assisted bicycle, motor assisted scooter, and every motorized bicycle having an engine with less than 150 cubic centimeters displacement or having a motor which produces not more than five horsepower.

~~[(26)]~~ (27) "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

~~[(27)]~~ (28) "Off-highway implement of husbandry" is used as defined under Section 41-22-2.

~~[(28)]~~ (29) "Off-highway vehicle" is used as defined under Section 41-22-2.

~~[(29)]~~ (30) "Operator" means any person who is in actual physical control of a vehicle.

~~[(30)]~~ (31) "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

152           ~~[(31)]~~ (32) "Peace officer" means any peace officer authorized under Title 53, Chapter  
153 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of  
154 traffic laws.

155           ~~[(32)]~~ (33) "Pedestrian" means any person afoot.

156           ~~[(33)]~~ (34) "Person" means every natural person, firm, copartnership, association, or  
157 corporation.

158           ~~[(34)]~~ (35) "Personal motorized mobility device" means a self-propelled device with  
159 two nontandem wheels in contact with the ground, a system capable of steering and stopping  
160 the unit under typical operating conditions, a motor not exceeding one horse power or 750  
161 watts, and a deck design for a person to stand while operating the device. A "personal  
162 motorized mobility device" does not include a wheelchair.

163           ~~[(35)]~~ (36) "Pole trailer" means every vehicle without motive power designed to be  
164 drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by  
165 being boomed or otherwise secured to the towing vehicle, and is ordinarily used for  
166 transporting long or irregular shaped loads such as poles, pipes, or structural members  
167 generally capable of sustaining themselves as beams between the supporting connections.

168           ~~[(36)]~~ (37) "Private road or driveway" means every way or place in private ownership  
169 and used for vehicular travel by the owner and those having express or implied permission  
170 from the owner, but not by other persons.

171           ~~[(37)]~~ (38) "Railroad" means a carrier of persons or property upon cars operated upon  
172 stationary rails.

173           ~~[(38)]~~ (39) "Railroad sign or signal" means a sign, signal, or device erected by  
174 authority of a public body or official or by a railroad and intended to give notice of the presence  
175 of railroad tracks or the approach of a railroad train.

176           ~~[(39)]~~ (40) "Railroad train" means a locomotive propelled by any form of energy,  
177 coupled with or operated without cars, and operated upon rails.

178           ~~[(40)]~~ (41) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a  
179 lawful manner in preference to another vehicle or pedestrian approaching under circumstances  
180 of direction, speed, and proximity which give rise to danger of collision unless one grants  
181 precedence to the other.

182           ~~[(41)]~~ (42) "Roadway" means that portion of highway improved, designed, or

ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles. If a highway includes two or more separate roadways, roadway refers to any roadway separately but not to all roadways collectively.

~~[(42)]~~ (43) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

~~[(43)]~~ (44) "School bus" means every motor vehicle that complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses" and is used to transport school children to or from school or school activities. This definition does not include vehicles operated by common carriers in transportation of school children to or from school or school activities.

~~[(44)]~~ (45) "Semitrailer" means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

~~[(45)]~~ (46) "Shoulder area" means that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices," or that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and lateral support.

~~[(46)]~~ (47) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

~~[(47)]~~ (48) "Solid rubber tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

~~[(48)]~~ (49) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

~~[(49)]~~ (50) "Stop" when required means complete cessation from movement.

~~[(50)]~~ (51) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or when in compliance with the directions of a peace officer or official traffic-control

device.

~~[(51)]~~ (52) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

~~[(52)]~~ (53) "Traffic-control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

~~[(53)]~~ (54) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

~~[(54)]~~ (55) "Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

~~[(55)]~~ (56) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.

~~[(56)]~~ (57) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

~~[(57)]~~ (58) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Section 2. Section **41-6-117.7** is enacted to read:

**41-6-117.7. Golf cart allowed on certain streets -- Restrictions -- Penalties.**

(1) (a) In accordance with this section, a municipality or county may, by ordinance, allow a golf cart to be operated on specified highways under its jurisdiction during daylight hours.

(b) Except to cross a highway at an intersection, a golf cart may not be operated on a highway with a posted speed limit of more than 25 miles per hour.

(c) (i) A person may not operate a golf cart on a highway without displaying on the rear of the golf cart, a slow-moving vehicle identification emblem that complies with the Society of Automotive Engineers standard SAE J943.

(ii) This Subsection (1)(c) is an exception to the provisions of Section 41-6-130.



(d) In addition to the restrictions under this section, a municipality or county may provide additional restrictions, if the highway authority determines the restriction will enhance public safety.

(2) Except as otherwise provided in this section, if operated on any specified highway under Subsection (1), for purposes of the Utah Code, a golf cart is considered a:

(a) motor vehicle for traffic rules under Title 41, Chapter 6, Traffic Rules and Regulations;

(b) motor vehicle for driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

(c) motor vehicle for motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;

(d) motor vehicle for vehicle registration, license plates, titling, and registration fees under Title 41, Chapter 1a, Motor Vehicle Act;

(e) motor vehicle for fuel taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act;

(f) motor vehicle for fee in lieu of property taxes or in lieu fees under Section 59-2-405; and

(g) motor vehicle for safety belt requirements under Title 41, Chapter 6, Article 17, Motor Vehicle Seat Belt Usage Act, if equipped with a safety belt system by the original manufacturer.

(3) (a) If operated on any specified highway under Subsection (1), a golf cart shall be equipped with:

(i) tail lamps and stop lamps;

(ii) turn signal lamps;

(iii) reflex reflectors, one on the rear of the vehicle and one on the left and right side and as far to the rear of the vehicle as practical;

(iv) a parking brake;

(v) braking for each wheel; and

(vi) a serial number for registration and titling purposes.

(b) A golf cart that complies with Subsections (2) and (3) and that is not altered from the manufacturer is considered to comply with equipment requirements in Title 41, Chapter 6,

Article 16, Equipment.

(4) A person may not operate a golf cart on any specified highway under Subsection (1) if the golf cart has been structurally altered from the original manufacturer's design.

(5) A golf cart is exempt from:

(a) motor vehicle emissions inspection and maintenance program requirements under Section 41-6-163.6;

(b) motor vehicle safety inspection requirements under Section 53-8-205;

(c) vehicle identification numbers under Title 41, Chapter 1a, Part 8, Identification Numbers; and

(d) odometer requirements under Title 41, Chapter 1a, Part 9, Odometers.

(6) The provisions of this section do not apply to a golf cart that is not used on a highway except to cross a highway in connection with a game of golf or to follow a golf cart path.

(7) (a) A person who violates Subsection (1), (3), or (4) is guilty of a class C misdemeanor.

(b) A person who violates Subsection (2) is subject to the same penalties provided under law.

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**Legislative Review Note**

as of 2-11-04 2:03 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0322**

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**Golf Carts Allowed on Certain Highways***17-Feb-04**11:55 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**No fiscal impact.

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**Office of the Legislative Fiscal Analyst**